

107TH CONGRESS
2D SESSION

H. R. 4738

To facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2002

Mr. STEARNS (for himself, Mr. BOUCHER, Mr. TERRY, Mr. PICKERING, Mr. TOWNS, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RETURN OF DOWNPAYMENTS.**

4 On or before the 15th day after the date of enactment
5 of this Act, the Federal Communications Commission shall
6 return to the winning bidders of auction 35 the full
7 amount of all deposits and downpayments made by such

1 winning bidders for licenses that the Commission has not
2 by that date delivered to such winning bidders.

3 **SEC. 2. RELIEF FROM CONTINUING OBLIGATIONS.**

4 Each such winning bidder that elects, by formal writ-
5 ten notice to the Commission on or before the 15th day
6 after the date of enactment of this Act, to relinquish its
7 rights under auction 35 to receive a license for which it
8 was the winning bidder, and which the Commission has
9 not delivered to such bidder by the date of such election,
10 shall be free of all obligations such winning bidder would
11 otherwise have with respect to such license, including the
12 obligation to pay the full amount of its winning bid upon
13 delivery of such license.

14 **SEC. 3. DEFINITIONS.**

15 For purposes of this Act:

16 (1) COMMISSION.—The term “Commission”
17 means the Federal Communications Commission.

18 (2) AUCTION 35.—The term “auction 35”
19 means the Commission’s C and F block broadband
20 personal communications service spectrum auction,
21 which began on December 12, 2000, and ended on
22 January 26, 2001, insofar as such auction related to
23 spectrum previously licensed to NextWave Personal
24 Communications Inc., NextWave Power Partners,
25 Inc., or Urban Comm-North Carolina, Inc.

1 (3) WINNING BIDDER.—The term “winning
2 bidder” means those bidders whose applications for
3 auction 35 licenses the Commission accepted for fil-
4 ing, as listed in Appendix A to the Commission’s
5 Public Notice DA 01–520, issued on February 27,
6 2001.

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